

The Lead-Based Paint Pre-Renovation Education Rule

A Handbook for Contractors, Property
Managers, and Maintenance Personnel



Summary of
Requirements Under
K.A.R. 28-72-51 to 28-72-54



Prepared by the

Kansas Department of Health and Environment
Childhood Lead Poisoning Prevention Program
and

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460

What Is The Lead-Based Paint Pre-Renovation Education Rule (Lead PRE)?

- The Lead PRE Rule is a State regulation affecting construction contractors, property managers, and others who perform **renovations** for **compensation** in residential housing that may contain lead-based paint.
- It applies to residential houses and apartments built before 1978.
- It requires distribution of the **lead pamphlet**, *Protect Your Family from Lead in Your Home*, and a renovation notice to the owners and occupants before starting **renovation** work.
- **Renovation** includes most repair, remodeling, and maintenance activities that disturb painted surfaces.
- Lead PRE implements K.A.R. 28-72-51 to 28-72-54.

About This Handbook

- This handbook summarizes Lead PRE and how to comply with it. To ensure compliance, you should also read the regulation.
- Key terms are highlighted in **bold** and are explained on pages 8-10.

Who Should Read This Handbook?

- Anyone who owns or manages housing built before 1978.
- Contractors who perform **renovations** (including certain repairs and maintenance) which disturb paint in homes built before 1978.

How Can This Handbook Help Me?

- This handbook presents simple steps to follow to comply with Lead PRE. It also lists ways these steps can be easily incorporated into your work.
- Having demonstrated knowledge of lead requirements and safety practices can mean more business for you.
- Distributing the **lead pamphlet** and renovation notice to your customers and tenants can help them protect themselves and their children from the hazards of lead-based paint.
- This handbook describes the law. It also explains the proper steps to take to avoid potentially significant civil (monetary) and criminal fines and penalties.

What Does Lead PRE Require Me To Do?

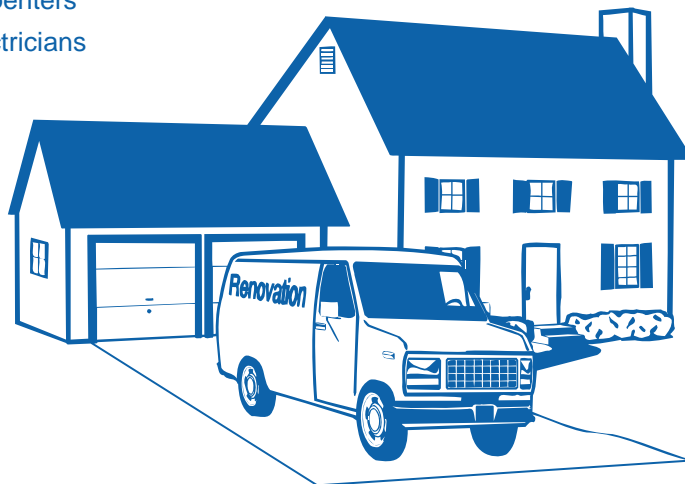
1. Distribute a **lead pamphlet** and a renovation notice to the housing **owner** and occupants before **renovation** starts.
2. Obtain **confirmation of receipt of lead pamphlet** (see page 11) from owner and occupants or a **certificate of mailing** from the post office.
3. For work in **common areas** of **multi-family housing**, the lead pamphlet and renovation notice must be distributed to owners and tenants of each affected unit.
4. Retain records for 3 years.

(See page 4 for more details)

Who Must Follow These Requirements?

In general, anyone whose compensated work disturbs paint in housing built before 1978, including:

- Residential rental property owners/managers
- **General contractors**
- **Special trade contractors**, including
 - Painters
 - Plumbers
 - Carpenters
 - Electricians



What Types Of Activities Are Subject To Lead PRE?

In general, any activity that disturbs paint in pre-1978 housing, including:

- Remodeling and repair/maintenance
- Plumbing
- Carpentry
- Electrical work
- Painting
- Window replacement

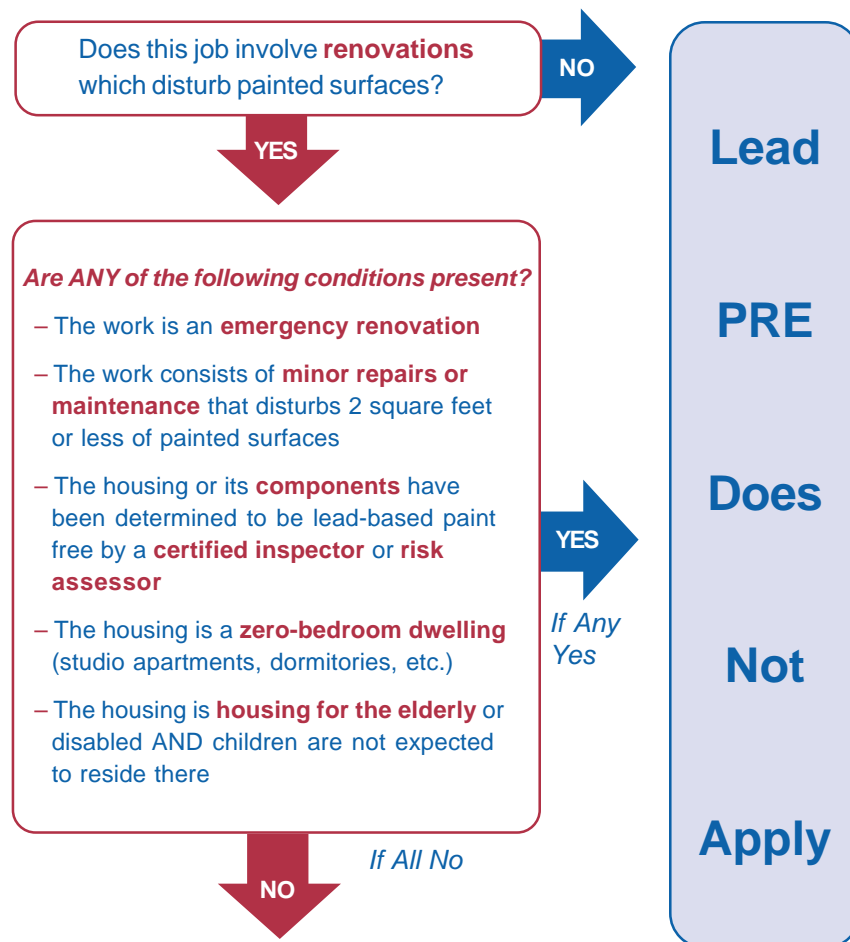


What Housing Or Activities Are Excluded From Lead PRE?

- Housing built in 1978 or later
- **Housing for the elderly** or disabled persons (unless children will reside there)
- **Zero-bedroom dwellings** (studio apartment, dormitories, etc.)
- Housing or **components** declared lead-free by a **certified inspector** or **risk assessor**
- **Emergency renovations** and repairs
- **Minor repairs and maintenance** that disturb two square feet or less of paint per **component**

Lead PRE At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



If no, then you need to provide the lead pamphlet and renovation notice (see page 4).

How Do I Meet The Lead PRE Requirements?

Renovation Location

Procedures to Follow

Renovations in
Owner-Occupied
Dwelling Units



Box 1

Deliver **lead pamphlet & renovation notice** to **owner** before **renovation** begins and obtain **confirmation of receipt**.

OR

Mail **lead pamphlet** and renovation notice to owner 7 days before renovation begins and document with **certificate of mailing** (*sample form on page 11*).

Renovations in
Tenant-Occupied
Dwelling Units



Box 2

1. Provide **lead pamphlet** and **renovation notice** to **owner** using either procedure described in Box 1 above.

2. Provide **lead pamphlet** and **renovation notice** to tenant by either method below:

(a) Deliver to dwelling unit before **renovation** begins and document delivery with either a **confirmation of receipt** or a **self-certification of delivery**.

OR

(b) Mail to tenant at least 7 days prior to renovation and document with a **certificate of mailing** (*sample form on page 11*).

Renovations in
Common Areas
of Multi-Family
Housing Units



Box 3

1. Provide **owner** with **lead pamphlet** and **renovation notice** using either procedure described in Box 1 above.

2. Provide affected tenants with **lead pamphlet** and **renovation notice**.

3. Maintain written documentation describing notification procedures.

4. Provide **supplemental renovation notice** if changes occur in location, timing, or scope of renovation occurring.

For all options keep records for 3 years after renovation is completed.
(Sample Form on page 11.)

Special Circumstances

Is painting considered renovation, even if no surface preparation activity occurs?

No. If the surface to be painted is not disturbed by sanding, scraping, or other activities that may cause dust, the work is not considered renovation and Lead PRE does *not* apply.

What if I renovate my own home?

Lead PRE applies only to **renovations** performed for **compensation**; therefore, if you work on your own home Lead PRE does not apply.

Is a renovation performed by a landlord or employees of a property management firm considered a compensated renovation under Lead PRE?

Yes. The receipt of rent payments or salaries derived from rent payments is considered **compensation** under Lead PRE. Therefore, **renovation** activities performed by landlords or employees of landlords are covered.

Do I have to give out the lead pamphlet 7 days prior to beginning renovation activities?

The 7-day advance delivery requirement applies only when you deliver the **lead pamphlet** via mail; otherwise, you may deliver the pamphlet *anytime* before the **renovation** begins. Note, however, that the renovation must begin within 60 days of the date that the pamphlet is delivered. So for example, if your renovation is to begin May 30, you may deliver the pamphlet in person anytime between April 1 and start of the project on May 30, or you may deliver the pamphlet via mail anytime between April 1 and May 23.

Tips For Easy Compliance

1. Copy and use the sample form on page 11 of this handbook.
2. Attach the form to the back of your customer **renovation** or repair contracts. The completed form can be filed along with your regular paperwork.
3. If a tenant is not home or refuses to sign the form, you may use the “self-certification” option of the form (*on page 11*) to prove delivery. This will reduce your paperwork.
4. Plan ahead to obtain enough copies of the **lead pamphlet**.

Confirmation of Receipt of Lead Pamphlet and Notification of Renovation

I have received a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, informing me of the potential risk of lead exposure from renovation activity to be performed in my dwelling unit. I received the pamphlet before the work began. I also received notification of renovation stating where and when the renovation will be done.

Printed name of recipient _____ Date _____

Signature of recipient _____

Self-Certification Option (for tenant-occupied dwellings only)

If the lead pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below:

☐ **Refused to sign** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead in Your Home*, and notification of renovation to the rental dwelling unit listed below at the date and time indicated and that the occupant refused to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet and notification of renovation at the unit with the occupant.

☐ **Unavailable for signature** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead in Your Home*, and notification of renovation to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet and notification of renovation at the unit by sliding them under the door.

Printed name of person certifying delivery _____ Attempted delivery date and time _____

Signature of person certifying delivery _____

Unit Address _____

Note Regarding Mailing Option — As an alternative to delivery in person, you may mail the lead pamphlet and notification of renovation to the owner and/or tenant. This information must be mailed at least 7 days before renovation. (Document with a certificate of mailing from the post office).

Where Can I Obtain More Information on Lead PRE?

Further information is available from the Kansas Childhood Lead Poisoning Prevention Program (1-888-291-2821) or through the Internet (www.kdhe.state.ks.us/lead). Available resources include:

- Full text version of Lead PRE
- Pamphlets on Lead PRE
- Full text version of the lead pamphlet

Why is Lead Paint Dangerous?

People can ingest lead by breathing or swallowing lead-based paint dust or by eating lead-contaminated soil or lead-based paint chips. Household animals are also at risk.

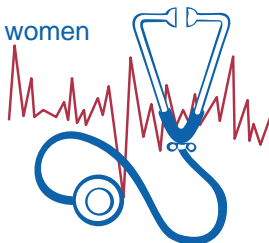
If not detected early, high levels of lead in a child can cause serious effects, including:

- Damage to the brain and nervous system
- Behavior and learning problems
- Slowed growth
- Hearing problems
- Headaches



Lead is also harmful to adults and can, among other effects, cause:

- Difficulties during pregnancy
- Other reproductive problems for men and women
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain



Lead can be dangerous to workers and their families if the worker brings equipment and clothing home after a job.

Other Resources

For additional information on how to protect yourself and your customers from lead paint hazards, call the National Lead Information Clearinghouse at 1-800-424-LEAD. Available documents include:

- *Lead-Based Paint: Operations and Maintenance Work Practices Manual for Homes and Buildings*
- *Lead Safety for Property Owners, Developers, and Managers*
- *Reducing Lead Hazards When Remodeling Your Home*
- *Lead in Your Home: A Parents' Reference Guide*
- *Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work*

Key Terms

Certificate of Mailing — written verification from the Postal Service that you mailed the lead pamphlet to an owner or a tenant. This is less expensive than certified mail, which is also acceptable for meeting Lead PRE requirements. *(Note: If using this delivery option, you must mail the pamphlet at least 7 days prior to the start of renovation.)*

Certified Inspector or Risk Assessor — an individual who has been trained and is certified by KDHE to conduct lead-based paint inspections or risk assessments.

Common Area — a portion of a building that is generally accessible to all residents or users. Common areas include (but are not limited to) hallways, stairways, laundry rooms, recreational rooms, playgrounds, community centers, and fenced areas. The term applies to both interiors and exteriors of the building. *(Note: Lead PRE requirements related to common areas apply only to multi-family housing.)*

Compensation — payment or goods for services rendered. Payment can be in the form of money, goods, or services (bartering).

Component — specific design or structural element or fixture distinguished by its form, function, and location. A component can be located inside or outside the dwelling.

Examples

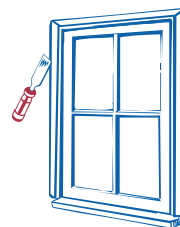
Interiors

Ceilings
Crown molding
Walls
Doors and trim
Floors
Fireplaces
Radiators
Shelves
Stair treads
Windows
and trim
Built-in cabinets
Beams
Bathroom vanities
Counter tops
Air conditioners



Exterior

Painted roofing
Chimneys
Flashing
Gutters and
downspouts
Ceilings
Soffits
Doors and trim
Fences
Floors
Joists
Handrails
Window sills and sashes
Air conditioners



Confirmation of Receipt of Lead Pamphlet — a form that is signed by the owner or tenant of the housing confirming that they received a copy of the lead pamphlet before the renovation began. *(See sample on page 11.)*

Key Terms (continued)

Emergency Renovation — unplanned renovation activities done in response to a sudden, unexpected event which, if not immediately attended to presents a safety or public health hazard, or threatens property with significant damage.

Examples 1: *Renovation to repair damage from a tree that fell on a house*
2: *Renovation to repair a water pipe break in an apartment complex*

General Contractor — one who contracts for the construction of an entire building or project, rather than for a portion of the work. The general contractor hires subcontractors (e.g. plumbing, electrical, etc.), coordinates all work, and is responsible for payment to subcontractors.

Housing for the Elderly — retirement communities or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

Lead Abatement — work designed to permanently eliminate lead-based paint hazards. Abatement does not include renovation, remodeling, landscaping, or other activities done to repair, restore, or redesign a given building — even if these activities incidentally reduce lead-based paint hazards.

Lead Pamphlet — the pamphlet *Protecting Your Family From Lead in Your Home*, or an EPA-approved alternative pamphlet. (See page 13 for information on obtaining copies.)

Minor Repair and Maintenance — minor repair and maintenance activities, such as minor electrical work or plumbing, that disturb two square feet or less of painted surface per component.

Examples 1: *Drilling holes in the wall to run an electrical line*
2: *Replacing a piece of window trim*
3: *Replacing a light fixture*

Multi-family Housing — housing property consisting of more than four dwelling units.

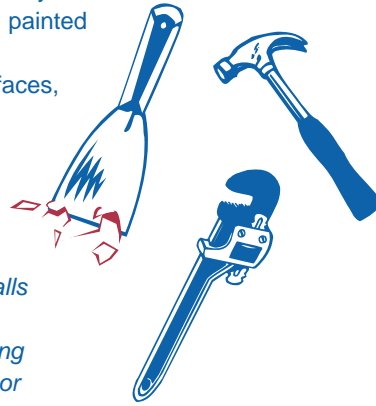
Owner — any person or entity that has legal title to housing, including individuals, partnerships, corporations, government agencies, Indian Tribes, and nonprofit organizations.

Record of Notification — written statement documenting the steps taken to provide pamphlets and renovation notices to tenants and owners in residential dwellings.

Key Terms (continued)

Renovation — modification of all or part of any existing structure in housing that disturbs a painted surface. Includes:

- Removal/modification of painted surfaces, components, or structures
- Surface preparation activities (sanding/scraping/other activities that may create paint dust)
- Window replacement



- Examples**
- 1:** Demolition of painted walls or ceilings
 - 2:** Large surface replastering
 - 3:** Major plumbing repairs or improvements
 - 4:** Any other activities which disturb painted surfaces

Renovation Notice — a notice of renovation activities to tenants and owners of residential dwellings. The notice shall describe the scope, location, and expected duration of the renovation activity.

Renovator — a person who is receiving compensation for a renovation.
(Note: Because the term “renovation” is defined broadly by Lead PRE, many contractors who are not generally considered to be “renovators,” as that term is commonly used, are considered to be “renovators” under Lead PRE, and must follow Lead PRE requirements.)

Self-Certification of Delivery — an alternative method of documenting delivery of the lead pamphlet to a tenant. This method may be used whenever the tenant is unavailable or unwilling to sign a confirmation of receipt of lead pamphlet. *(See sample form on page 11.)* **(Note: This method is not a permissible substitute for delivery of the lead pamphlet to an owner.)**

Special Trade Contractors — individuals or companies performing work in specialized occupations such as painting, electrical work, plumbing, or carpentry.

Supplemental Renovation Notice — additional notification that is required when the scope, location, or timing of project changes.

Zero-Bedroom Dwelling — any residential dwelling where the living area is not separated from the sleeping area. This term includes efficiency and studio apartments, dormitory housing, and military barracks.

Sample Forms

Below is a sample form you can use to make documentation of compliance easier.

Confirmation of Receipt of Lead Pamphlet and Notification of Renovation

I have received a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, informing me of the potential risk of the lead exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began. I also received notification of renovation stating where and when the renovation will be done.

Printed name of recipient

Date

Signature of recipient

Self-Certification Option (for tenant-occupied dwellings only)

If the lead pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below.

- ☐ **Refusal to sign** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead in Your Home*, and notification of renovation to the rental dwelling unit listed below at the date and time indicated and that the occupant refused to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet and notification of renovation at the unit with the occupant.
- ☐ **Unavailable for signature** — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead in Your Home*, and notification of renovation to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet and notification of renovation at the unit by sliding them under the door.

Printed name of person certifying delivery

Attempted delivery date and time

Signature of person certifying delivery

Unit Address

Note Regarding Mailing Option — As an alternative to delivery in person, you may mail the lead pamphlet and notification of renovation to the owner and/or tenant. This information must be mailed at least 7 days before renovation (Document with a certificate of mailing from the post office).

Where Can I Get Copies of the Lead Pamphlet?

For single copies of *Protect Your Family From Lead in Your Home* (in Spanish or English), call the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD. For any orders, be sure to use the stock reference number **EPA747-K-99-001**.

There are four ways to get multiple copies:

1. Call the Government Printing Office order desk at **(202) 512-1800**.
2. Send fax requests to **(202) 512-2233**.
3. Request copies in writing from:
Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954
4. Obtain via the Internet at www.kdhe.state.ks.us/lead

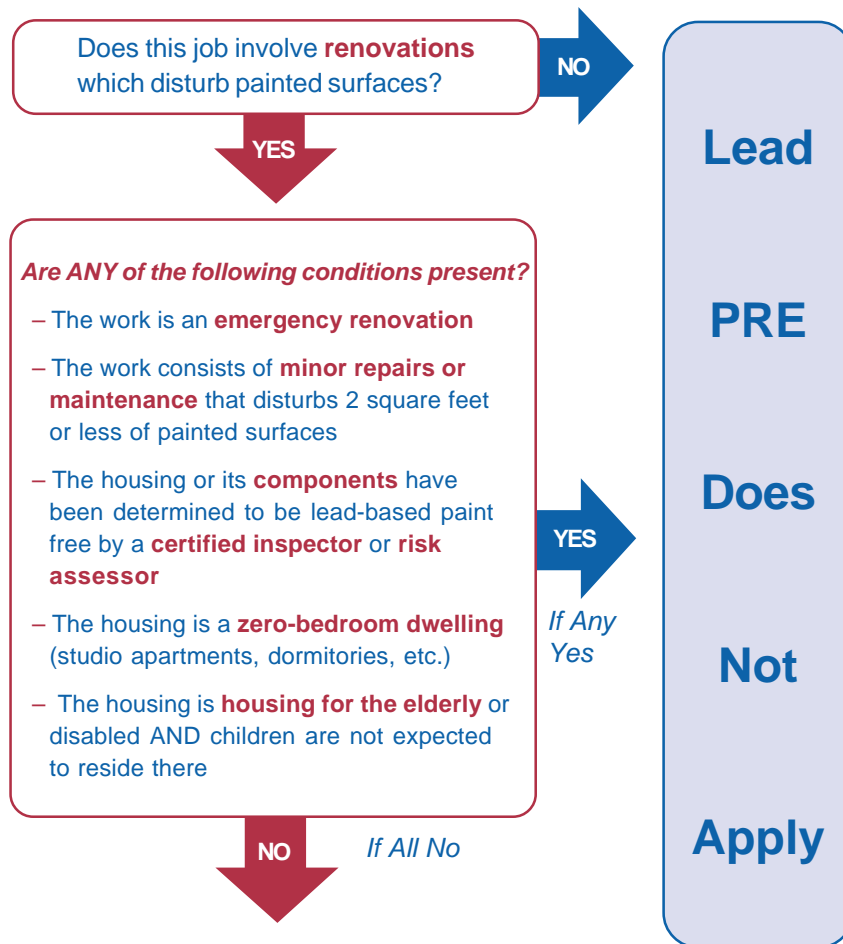
Single copies are available at no charge. Bulk copies available in packs of 50.

The pamphlet may be photocopied for distribution as long as the text and graphics are readable. Camera-ready copies are available from NLIC or via the Internet.



The Lead Pre-Renovation Education Rule (Lead PRE) At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



***If no, then you need to read this book!
Rental property owners and managers,
renovators, and maintenance personnel
are affected by Lead PRE.***

Bold Type = Key Terms (see pages 8-10)